

# TRI-WEEKLY

# KENTUCKY YEOMAN.

THE PRICE OF LIBERTY IS ETERNAL VIGILANCE.

VOL. XXXI.

## TRI-WEEKLY YEOMAN.

DECISIONS OF THE COURT OF APPEALS.  
KENTUCKY COURT OF APPEALS,  
FRANKFORT, October 21, 1882.

T. Tinley  
vs.  
Alfred Martin, &c.

Judge PRYOR delivered the opinion of the Court, as follows:

Martin and Busse were sub-contractors under Smith, the latter having undertaken to build for Tinley a house. The two sub-contractors (Martin and Busse) having performed labor and materials for the building gave notice of their purpose to set a lien under the mechanic's lien law, which is affirmed.

J. F. & H. F. Fish for appellants.  
Cleary and Cleary for appellee.

RESOURCES OF TEXAS.  
The New York World.]

Mr. C. E. Satterlee, secretary and treasurer of the Texas and Pacific Railway, has returned to this city, after an inspection of the lines of the company, and was asked yesterday by a World reporter to tell what he saw during the trip. He said: "With the land commissioner, and in a special car, I went over the whole route from El Paso to New Orleans. I first went over the Rio Grande division from Fort Worth to El Paso, a distance of 616 miles. This division is in excellent condition, well ballasted with stone, and doing a very large business, both local and through California, the latter steadily increasing. Quantities of California wines are brought by this route to New Orleans and for Europe. In a distance of seventy miles one day I counted thirteen loaded freight trains. The lands on which our great mortgage bonds are secured are doing the same." Tinley became liable by reason of the assignment.

Tinley did assign the note to Smith, on the 27th of June, 1874, agreeing in the assignment to be bound to Smith or his assigns in the event, after the exercise of proper diligence by suit, the money was not made on the McLaughlin note. Smith, at the same time or on the same day, assigned the McLaughlin note to Martin, by the ordinary indorsement upon it.

Some time after the assignment made by Smith to Martin of the McLaughlin note, Martin assigned a part of the note to Busse. McLaughlin became bankrupt, and the assignee, Martin, failing to make the money on the note, Tinley became liable by reason of the assignment.

After the insolvency of McLaughlin, the appellant, Tinley, ascertained that Hidecker & Co., held a note on Martin for \$70, and, with interest, and Martin being insolvent, Tinley proposed to Hidecker & Co., to assign him the note held on Martin, that he might use it as a set-off against Martin's claim upon him by reason of the assignment of the McLaughlin note. After consulting with his attorneys, and being advised that he could use the note of Martin to Hidecker & Co. as a set-off, he, Tinley, agreed with Hidecker & Co., that, as far as he could make the note suit his purposes in that way, he would give him fifty cents to the dollar, and upon this agreement, the note was assigned him on Martin.

After the note was assigned, Tinley instituted his ordinary action upon it against Martin, to which Martin filed his answer alleging that Tinley was not the real owner, and also pleading as a set-off the liability of Tinley to him by reason of the note assigned on Martin.

Busse came into the case, by petition and answer, insisting that a portion of the McLaughlin note had been assigned to him by Martin, and that Tinley had full knowledge of the fact that it was intended for his benefit as well as Martin's at the time Smith made the assignment to Martin.

Tinley alleges that he had no such knowledge, and was without any notice of Busse's claim to any part of the note until after he had made the contract with Hidecker & Co., and obtained the assignment of the note they held on Martin. Hidecker & Co. came into the case alleging that they only loaned the Martin note to Tinley, to be returned on demand. That they demanded the note, and the appellant, Tinley, refused to surrender it.

The testimony of the parties and their attorneys was heard, and shows, on behalf of Busse, that when the assignment was made by Smith to Martin, it was agreed and understood that a part of the McLaughlin note, to the extent of Busse's claim for work, was to be assigned to him or was for his benefit; that Tinley was present and heard it. This was denied by Tinley, and both Tinley and his attorney say that they heard no such consideration or agreement. The attorney representing the assignment may not and doubtless did not hear the conversation, but it is evident that Martin and Busse were both asserting their rights, at the same time, for work done on Tinley's building as sub-contractors under Smith; and that, in order to adjust the matter, Martin and Busse both employed an attorney, and went with that attorney to the office of the attorney of Tinley for that purpose. The trouble was settled by accepting the McLaughlin note, and it is reasonable to suppose that Busse was to have some interest in the note and some voice in the adjustment.

WHY SHOULD THEY? No man or woman can dosatisfactory work when the brain is dull, the nerves unsteady, the system relaxed and generally wretched. Why should anybody drag through their work in this condition, when a bottle of Parker's Ginger Tonic will, at moderate cost, give them the strength and will to perform their duties satisfactorily.

Woman is the only problem. She can't solve and won't give up. She is a mystery; she is a conundrum. When she will, she will, may depend on it; When she won't, she won't. And that's an end to it.

She will suffer month after month in her back, when Smith's Extract of May Flower will give her speedy and permanent relief, as well as the rest of the world. For sale by all druggists and dealers, to whom apply for Hostetter's Almanac for 1883.

Proclamation by the Governor.

\$250 REWARD.

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT. WHEREAS, IT HAS BEEN MADE KNOWN to me that a person, unknown to me, or about the 1st of November, 1882, in the county of Daviess, State of Kentucky, murdered one Willis Field, and are now fugitives from justice going at large; therefore, I, LUKE P. BLACKBURN, Governor of the Commonwealth aforesaid, do hereby offer a reward of TWO HUNDRED AND FIFTY DOLLARS for the apprehension of said Thomas Jones, and his or their delivery to the jailer of the court county.

In testimony whereof, I have hereunto set my hand, and caused the seal of the L. S. Commonwealth to be affixed. Done at Frankfort, the 2nd day of October, in the year of our Lord one thousand eight hundred and forty-two, and in the ninth year of the Commonwealth.

LUKE P. BLACKBURN,  
By the Governor:  
JAMES BLACKBURN, Secretary of State.

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Old Time of service: It is not far  
Until I may light a fresh cigar  
And throw a stamp away.

**PERSONAL.**

Miss Tillie Taylor, of Lexington, is visiting Mr. C. R. Bradley, Clinton street.

Col. John A. Hearn, from the State-at-large, is in the city, the guest of Col. Sheehan.

Col. and Mrs. J. Stoddard Johnston returned from Alibene by the C. & O. train Sunday night.

Mr. John Bratz and his daughter, Miss Lizzie Bratz, of Springfield, Ills., are visiting friends in the city.

John R. Green, of Louisville, after spending a few days with his father and mother, (Mr. and Mrs. C. S. Green), in South Frankfort, has returned to his home.

Messrs. Grant Green and Frather Zanone, of Louisville, are spending the Christmas with the family of C. S. Green, in South Frankfort, and are enjoying the society of our Frankfort girls amazingly.

There will be a called meeting of the City Council on Thursday evening (Dec. 28, 1882), at 7 o'clock, P. M., the object being to settle up all accounts made by the present board.

The gas light is now perfect in nearly all parts of the city. The company, after no little trouble and a good deal of expense, is now provided with sufficient water to purify its gas, and to enable it to give a satisfactory light in every burner where the pipes are in order.

Mrs. Margaret Conner Norman, relict of the late Benjamin Norman, died at the old family residence in Boone county on the 24th inst., in the 74th year of her age. She was the last surviving daughter of the Rev. Lewis Conner, one of the pioneer Baptist ministers in Northern Kentucky.

The new Council will assemble next week, and we suppose will take steps to give us a new theatre or Opera House. If we are to have this desirable feature at the expense of the tax-payers, the sooner the better. The only stipulation we have to make is that it be handsomely done. Let us have a place of resort that will be safe, comfortable and handsome.

Saturday night, as a party of young men from Alton were leaving the city in a vehicle, they concluded to join the Christmas hullaballoo by firing their pistols, and in doing so a young man named James Parker received a dangerous and painful wound in the elbow of the left arm. He was taken to the residence of Dr. U. V. Williams, where he was kindly cared for, and his wound properly dressed. Dr. Williams says it is almost exactly like the wound received by Mr. Charles Taylor.

The complete success of Mrs. Blackburn's dinner to the convicts will doubtless have the effect to provide a similar entertainment for them every Christmas. Humanitarians generally, and friends and relatives of these poor creatures, will always be glad to make such contributions as were made for this occasion. The good words, and substantial aid which Mrs. Blackburn received in this benevolent work has been especially gratifying, because it shows there are many persons in Kentucky who can sympathize with the distressed, no matter how depraved or how criminal they may be.

Saturday night, in the absence of Mrs. Lyons and her daughter, a negro obtained entrance to their house, and was in the act of robbing it when they returned. They discovered a light in an upper room, and thought the room was on fire, but as soon as they entered, the light disappeared, and they concluded rightly that they had a visitor. An alarm was given, but before the police appeared the burglar came down stairs and passed out the front door, making rapid speed in the direction of Battle Alley. A colored man was arrested, but was not identified as the robber, and Marshal Hyde dismissed him. The burglar was of medium height, and had on a light colored cap and light clothes.

Mr. George L. Payne, of the firm of Payne & Perry, has accepted an appointment as Special Agent of the Phoenix Insurance Company of London for the states of Kentucky and Tennessee, and has his headquarters at Frankfort. The business of the firm of Payne & Payne will be conducted as usual, Mr. G. L. Payne, who has been a valuable agent in this establishment, taking an interest in it, and having his brother's

name could not be mentioned as an Adamant. As an Adjunct to the firm of George L. Payne, and highly esteemed to its interests, he is to be present upon the trial of the case, and the defense of the business of the firm of Payne & Payne, in London.

Leaves the country for England. The man is not likely to be seen in the United States again. The Phœnix Insurance Companies in England are engaged in extensive business, and the man, which it

Mr. Charles E. Taylor is not yet able to resume his duties in the telegraph office.

There was a pleasant party at the residence of Jno. W. Rodman, Esq., Tuesday night, given in honor of the Messrs. Hindman, who are his guests.

Dr. U. V. Williams had the good luck to win a quarter of the premium beef at Collins' raffle Monday night. The steak he sent us was as tender and juicy as the bear meat we received from Burkhardt.

A great many fine articles that were not disposed of at private sale were raffled on Monday night. The handsome dressing case at Hughes & Chiles', valued at \$25, was won by Mr. Clarence Kendall.

Some merchants complain that they had a limited trade on Christmas, and others say they did as well as usual. Friday and Saturday of last week were gloomy and disagreeable days, and people were not out in as full force as they would otherwise have been.

Mrs. Dr. W. H. Hall is prepared to fill orders for flowers for the coming holidays. She has a fine yield of Marshals' Nell roses, camelia japonicas, and other desirable and beautiful flowers. Orders for bouquets, boutonnieres, and cut flowers may be left at Dr. Hall's drug store.

Selbert had an astonishing trade in silverware and jewelry. He was kept busy for the whole week preceding Christmas day in engraving articles sold by him. He says he had little rest day or night, but is grateful to his customers for their kind patronage, and is none the worse for his labor.

Buy something at Selbert's if you want a chance in or of his January prizes.

Christmas evening was made delightful for the Feeble-Minded children by an entertainment at which the State officers and a number of visitors from the city were present. Dr. Stewart had provided large Christmas trees, which were loaded with presents, and beautifully arranged. Every child received a present, and was made supremely happy. A series of tableaux were admirably given, and there were recitations and music by the children.

Mr. Chas. K. Ballard, of Owensboro, and Miss Sallie Stillfield, of this city, were married at the residence of Mr. John Henderson, Tuesday morning, at half-past seven o'clock, Rev. L. Young, officiating. The affair was quietly conducted in the presence of a few friends and relatives of the contracting parties. The happy couple left on the 8:15 train for a trip to Louisville. They have a host of friends in this vicinity, who wish them a long and happy future.

The fire at the Christian Church Sunday morning about seven o'clock had its origin from the furnace. The flames broke out in the floor, near the front of the church, and in a little time the building was so filled with smoke that it was hard to locate. The fire department was rapidly in good time, and acted with judgment in putting out the flames. A part of the floor, the new carpet, and the walls, and ceiling were damaged to the extent of about \$1,500, which is fully covered by insurance in companies represented by Payne & Berry and Judge W. H. Sneed.

The terrible encounter between George Portwood and a town officer named Laughlin, at Lawrenceburg, Saturday night, was one of the most desperate affairs that ever transpired in the State. Portwood was a saloon-keeper, and Laughlin went in to arrest him upon some charge. They approached close enough to seize the lapels of each other's coats, and then began firing with six-shooters. Laughlin was killed instantly, but Portwood, with two or more mortal wounds, survived until Monday. He was shot through both lungs, and in other parts of the body. A gentleman from Lawrenceburg says that shots were fired by other parties, but it is not known who.

The little town was greatly shocked over the affair, as it well might have been, but it is not altogether unaccustomed to such scenes of blood.

On account of the conspicuous absence of the toy pistol, there were fewer accidents than usual on Christmas, but we noticed a rather free use of more dangerous fire arms. A great many very large pistols were used, and some damage done. Some reckless persons fired two shots in the direction of the residence of Mr. R. T. Chiles, in South Frankfort. One bullet passed through the window of his mother's room, and another entered the woodwork of his porch.

Fine marble clocks at Philip Selbert's, the jeweler.

DISTINGUISHED HONOR.

From the Lexington Observer

The honor roll in the public schools for the month of December will appear in our next issue, when Miss Irene Went, of City School No. 2, will find her name recorded with a first honor for the thirteenth time in as many consecutive school months. She has never failed to take a first honor for every month she has been in school, this school year and last.

Frankfort has reason to be proud of this young lady as the daughter of one of her highly respected citizens, Mr. E. C. Went.

STOLEN—\$20 REWARD—From my stable, situated near the old depot, near Frankfort, Ky., a small gray mare, chunky and well built, 6 or 7 years old. Had on steel toed shoes, and was rough shod all around; about 15 hands high. I will give \$10 reward for her delivery to me in Frankfort, or \$20 for the delivery to a horse to me and the capture of the thief.

JOHN LANGFORD.

CITY ELECTION—SCHOOL TRUSTEES.

By order of the Board of Councilmen of the city of Frankfort, an election for three School Trustees will be held on Saturday, January 6, 1883, to serve for the term of two years, to be elected by the qualified voters of said city. Said election to be held at the following places, viz:

*First Precinct*—At the office of Henry Williams' Jewelry Store.

*Second Precinct*—Market-house; with the following officers of election:

*First Precinct*—J. D. Robinson, George Huffman, judges; Ed. M. Drane, clerk; H. G. Banta, sheriff.

*Second Precinct*—D. J. Haly, Lewis Weitzl, judges; John W. Milam, clerk; J. Lampton Price, sheriff.

*Third Precinct*—John Henderson, M. H. P. Williams, judges; W. M. Saffell, clerk; Chas. Featherston, sheriff.

The best assortment of fine opera glasses and gold-headed walking canes at Philip Selbert's, the jeweler.

CALDWELL—BOWDEN.

(From the Herald-Enterprise, Dec. 20, 1882.)

This morning, at 8:30 o'clock, Miss Kate K. Bowden, eldest daughter of Judge James H. Bowden, will be married to Mr. M. Caldwell, one of the proprietors of this paper, for which he is also business manager. The ceremony will be performed by Rev. Jas. H. Morton, at the home of the bride, in the presence of relatives and a few intimate friends.

Miss Bowden is one of Russellville's most lovely young ladies, distinguished for her amiability and bright intellect. Mr. Caldwell's admirable qualities, both of mind and heart, are known to a large circle of acquaintances, and those who know him best admire and respect him most.

"Here's to your very good health; may they live long and prosper."

N.

A LOSS PREVENTED.

Many loss their beauty from the hair falling or fading. Parker's Hair Balsam supplies necessary nourishment, prevents falling and grayness and is an elegant dressing.

BOARDING—Large, nicely furnished rooms, with first-class board, at the Weitzel Hotel building, opposite State House square.

FOR RENT—The house in which I reside, in South Frankfort.

GUY BARRETT.

The horn brigade made Saturday, and Monday nights hideous. The maker of the wind instruments was heartily annoyed, and there was a general expression of opinion that all the young performers could have celebrated the birthday of Christ better by being in bed.

Philip Selbert, the watchmaker, jeweler and engraver.

THE STORY WITHOUT AN END.

At the city of New Orleans, La., on Tuesday, November 14th (al ways Tuesday), under the sole management of Gen's G. T. Beaudry of La., and Jubal A. Early of Va., the 150th Grand Monthly Drawing of the Louisiana State Lottery occurred, and these historically famous warriors attest over their own signatures, a fac simile of which is published in the advertisement of the Company, that all was fairly done. It resulted as follows: Ticket No. 52,116 drew \$75,000, the first capital prize—J. M. Dixon, an Insurance Agent of Ennis, Tex., had one-fifth, as did also Mrs. Josephine Miller, No. 319 E. 52d st., New York city. Among others, No. 83,355 drew the second prize \$25,000—sold in fifth—two (2) to Charles Mowatt, a sailor on the schooner "Lucy May," of Newburyport, Mass.; and one fifth to Charles Noe, a journeyman cigar maker, No. 60 New Church, New York city; one to Herman Tossberg, also in New York city. Ticket No. 33,719 drew the third prize of \$10,000, two-fifths of which were held by W. T. Clarke, a real estate agent in 5th st., Philadelphia, and one by Enid Weidig, No. 1142 Magazine, New Orleans. There were many others, but some don't want their names published; but this is enough to encourage others.

The Christian Church was insured with Payne & Berry, in the Phoenix of London \$4,000; with W. H. Sneed, in the Queen, \$4,500. The loss will be pro rated between them.

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Not less than a thousand dollars disappeared pyrotechnically on Saturday and Monday.

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The gas company is now negotiating for the electric arc light, to be operated from their works by a gas engine. The same labor, rent, and incidental expenses will run one or two dynamo machines. The gas for the engine will be furnished at first cost, enabling the company to supply the lights at reduced rates.

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JOHN LANGFORD.

STOLEN—\$20 REWARD—From my stable, situated near the old depot, near Frankfort, Ky., a small gray mare, chunky and well built, 6 or 7 years old. Had on steel toed shoes, and was rough shod all around; about 15 hands high. I will give \$10 reward for her delivery to me in Frankfort, or \$20 for the delivery to a horse to me and the capture of the thief.

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